

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

January 27, 2011

8:30 A.M. ROLL CALL

Invocation by Pastor Jerome Jackson of the Christian Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Resolution of Commendation to John Texeira's 50th year of service as a Housing Authority Board member – Mayor's Office – **Laid over**

Proclamation of "SCHOOL BOARD RECOGNITION MONTH" – Mayor's Office and All Council - **Read and presented**

Presentation of the **P.R.I.D.E. Team Certificates for the Winter Quarter** – Reception immediately following – 2nd floor foyer - **Presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of [January 13, 2011](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Approved

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. [RESOLUTION - Dedicating certain City-owned property for public street purposes at the T-3 water storage and treatment facility located on the north side of E. Dakota Avenue between N. Armstrong and N. Temperance Avenues \(***Property located in District 4***\) – Public Works Dept.](#)

Action Taken: Resolution No. 2011-9 adopted

- B. [Approve the partial acquisition of one \(1\) street easement for the placement of traffic signals at the intersection of First Street and Dakota Avenue from property owner Omnivest, LLC, in the amount of \\$1,500.00 \(***Property located in District 7***\) – Public Works Dept.](#)

Action Taken: Approved

- C. [Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301 \(Existing Facilities\) and 15332 \(In-Fill Development\) of the CEQA Guidelines, for the installation of traffic signals at the intersection of Clovis Avenue and Kings Canyon Road \(***Property located in District 5***\)– Public Works Dept.](#)

Action Taken: Adopted

1. Approve a partial acquisition in the amount of \$26,000 of one (1) parcel from property owned by Richard M. Ashodian, Trust, for the intersection widening of Clovis Avenue and Kings Canyon Road with a west bound right turn lane at Kings Canyon Road .

Action Taken: Approved

- D. [Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301 \(Existing Facilities\) and 15332 \(In-Fill Development\) of the CEQA Guidelines, for the installation of traffic signals at the intersection of Clovis Avenue and Kings Canyon Road \(***Property located in District 5***\) – Public Works Dept.](#)

Action Taken: Adopted

1. Approve a partial acquisition in the amount of \$500.00 of one (1) parcel from property owned by Wills Enterprises, L.P. for the intersection widening of Clovis Avenue and Kings Canyon Road with a west bound right turn lane at Kings Canyon Road .

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- E. Approve second amendment to agreement with West Yost Associates to add additional hydraulic analyses, utility survey, Mitigated Negative Declaration and electrical design services and delete traffic control design within Parts 1 through 6 of the agreement for the two (2) large diameter water transmission mains in northeast and southwest Fresno (**Property located in Districts 3, 4 and 6**) – Public Works Dept.
Action Taken: Approved
- F. Approve a partial acquisition of one (1) parcel from property owned by Citibank, N.A., in the amount of \$25,000 for the widening of Herndon Avenue between Marks Avenue and Valentine Avenue to a six-lane divided expressway (**Property located in District 2**) – Public Works Dept.
Action Taken: Approved
- G. Approve a substitution of a listed subcontractor for sewer rehabilitation in N. Weber, S. East and N. Sierra Vista Avenues, Project RC00105, RC00106 and RC00107 (**Property located in Districts 3, 5 and 7**) – Public Works Dept.
Action Taken: Approved
- H. * **RESOLUTION** - 68th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$129,000 in the Parks, After School, Recreation and Community Services Department from the San Joaquin Valley Air Pollution Control District (REMOVE II Program) for the development of a park-and-ride lot at Martin Ray Reilly Park (**Requires 5 affirmative votes**) (**Property located in District 7**) - PARCS
Action Taken: Removed from the agenda
- I. Approve an agreement for professional consulting services with C&S Engineers, Inc. to develop an Airport Sustainability Management Plan for Fresno Yosemite International Airport (FYI) in the amount of \$140,693 – Airports Dept.
Action Taken: Approved
- J. * **RESOLUTION** - 66th amendment to the Annual Appropriation Resolution (AAR) No 2010-138 appropriating \$101,800 to provide the funds needed for ongoing use and payment of Citywide cost per copy program (**Requires 5 affirmative votes**) – Central Printing Division
Action Taken: Resolution No. 2011-10 adopted
- K. Approve the appointments of Matthew D. White to the Bicycle and Pedestrian Advisory Committee and Nicholas O. Webber to the Charter Review Committee – Councilmember Borgeas
Action Taken: Approved
- L. Documents pertaining to the City of Fresno retirement systems' tax deferred status – Retirement Offices
1. * **BILL NO. B-1 (Intro. 1/13/2011) (For adoption)** - Amending various retirement sections of the Fresno Municipal Code to enhance compliance with the Internal Revenue Code by the Fire and Police Retirement System to maintain the retirement system's tax deferred status
Action Taken: Ordinance No. 2011-1 adopted
2. * **BILL NO. B-2 (Intro. 1/13/2011) (For adoption)** - Amending various retirement sections of the Fresno Municipal Code to enhance compliance with the Internal Revenue Code by the Employees Retirement System to maintain the retirement system's tax deferred status
Action Taken: Ordinance No. 2011-2 adopted
- M. **BILL - (For introduction)** - Amending sections of the Fresno Municipal Code to comply with settlement reached between active and retired Fresno City employees relating to the clarification of compensation issues for the Employee Retirement System – City Attorney's Office
Action Taken: Bill No. B-3 introduced/laid over

CONTESTED CONSENT CALENDAR

9:45 A.M. #1 GENERAL ADMINISTRATION

- A. Approve annual update of priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements (Citywide) – Public Works Dept.
Action Taken: Approved
- B. Approve an agreement for professional consulting services with Kimley-Horn and Associates, Inc., of Reno, Nevada to provide design and construction administration for the rehabilitation, widening and lengthening of Runway 11R/29L at Fresno Yosemite International Airport (FYI) in the amount of \$1,591,000 – Airports Dept.
Action Taken: Approved
- C. Approve agreement for professional consulting services with Dale Rutherford, AIA, of Fresno to provide design and construction administration for the acoustic treatment of 150 homes participating in the ongoing Fresno Yosemite International Airport Residential Acoustic Treatment Program in the amount of \$498,000 – Airports Dept.
Action Taken: Approved
- D. Submission for informational purposes of the Comprehensive Annual Financial Reports (“CAFR”) regarding the financial activities of the City of Fresno Retirement Systems for the fiscal year ending June 30, 2010 – Retirement Offices
Action Taken: Accepted

9:45 A.M. #2 CITY COUNCIL

- A. **COUNCIL COMMUNICATIONS & ASSIGNMENTS** – Council President Brand
1. Council of Governments (COG) Swearingin, Ex-Officio/Alternate-Xiong
Council Sub-Committee Task Force for Water (Water Task Force) (Limited Ad Hoc) Borgeas, Brand, Vacant
Financial Audit Committee Borgeas, Brand, Xiong
Fresno Area Workforce Investment Corporation Westerlund
Fresno County Council of Government’s Rail Consolidation Committee Xiong
Fresno County Transportation Authority (FCTA) Swearingin, Borgeas
Fresno Regional Workforce Investment Board Westerlund
Fresno County Zoo Authority Swearingin, Alternate – Westerlund
Fresno Madera Agency on Aging Board Vacant
Joint Powers Financing Authority Westerlund
Leadership Council on Ending Homelessness Brand, Vacant, Westerlund
Public Safety Joint Powers Authority (Terminated?) Swearingin
San Joaquin River Conservancy Board Swearingin, Alternate – Brand
The Association for the Beautification of Highway 99 Vacant
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Brand, Xiong
2. Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
Fresno City & County Convention & Visitors Bureau (FCVB) Swearingin, Vacant
League of California Cities (Annual Meeting) Swearingin, Alternate – Borgeas
3. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions
Action Taken: Changes and new appointments made (See minutes)

1. **CITY COUNCIL CONTINUED**

- B. Status on Charter Review Committee – Council President Brand
Action Taken: Report made
- C. **BILL – (For introduction)** – Amending Section 12-611 of the Fresno Municipal Code relating to Council District Plan Implementation Committees – Councilmember Borgeas
Action Taken: Bill No. B-4 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **HEARING** to consider Plan Amendment No. A-10-08 and Sphere of Influence Application No. SOI-10-001 filed by Dirk Poeschel and Associates on behalf of Sanders Properties, LLC, pertaining to approximately 0.65 acres of property located on the south side of East Shaw Avenue, west of N. Winery Avenue, abutting State Route 168 northbound off-ramp, in the City of Fresno (***Continue to March 3, 2011 at 10:15 a.m.***)
Action Taken: Continued as noted

10:15 A.M. **JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY AND THE CITY OF FRESNO CULTURAL ARTS PROPERTIES, INC. (COFCAP)**

Approve Agency minutes of January 6, 2011

Action Taken: Approved

Approve the Agency and City of the Fresno Cultural Arts Properties, Inc. (COFCAP) joint special meeting minutes of January 20, 2011

Action Taken: Approved with correction

- A. Adopt finding of Categorical Exemption, pursuant to CEQA Guideline 15301 (I) for demolition of individual small commercial structures on sites zoned for commercial use
1. Award contract to the lowest responsible bidder for the demolition and clearance of the buildings located at Fulton and Stanislaus Streets (1502-1540 Fulton Street, Buildings A, B & C) with a deductive alternative for Building C, 1502 Fulton Street, located in the Fulton Redevelopment Area (***Property located in District 3) (Agency and City of Fresno Cultural Arts Properties, Inc. (COFCAP) action)***)
Action Taken: Approved/Awarded to Bowen Engineering
- B. Authorize the Executive Director to enter into a Purchase and Sale Agreement for the property located at 1270 N. Abby Street (APNs 451-292-01, 02 & 28) owned by Rodrigo Sandate Saucedo and Maria R. Sandate; and to take all other actions as necessary and consistent with Agency Board approval. The property is located within the Central City Commercial Revitalization Project Area (***Property located in District 7) (Agency action)***)
Action Taken: Authorized
- C. Authorize the Executive Director to contract with Rosenow Spevacek Group (RSG) to prepare an amendment to the Central City Commercial Revitalization Redevelopment Project Area Plan, Southeast Fresno Redevelopment Project Area, and South Fresno Industrial Redevelopment Project Area (***Agency action)***)
Action Taken: Removed from the agenda by staff

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. PUBLIC PROTEST CONTINUED HEARING and approval of items related to the granting of franchises to Mid-Valley Disposal and Allied Waste – Dept. of Public Utilities

Action Taken: Held

- a. **BILL - (For Introduction)** – An ordinance of the City of Fresno, California, which grants to Allied Waste (Allied) and Mid Valley Disposal (Mid Valley), exclusive franchises of specific portions of the City of Fresno for the collection of multi-family and commercial solid waste, recyclable materials, and organic materials within the City of Fresno

Action Taken: Failed

- b. Authorize the City Manager to finalize negotiations and execute contracts with Allied and Mid-Valley, subject to approval as to form by the City Attorney, contingent upon adoption of ordinance

Action Taken: Failed

- c. Public protest hearing in accordance with Fresno City Charter Section 1301 related to the above listed ordinance and adoption of above listed ordinance

Action Taken: Held as required

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Fresno Palm Lakes, et al.

Action Taken: Held

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	3 -	10:00 A.M.	Hearing to consider designation of the Crest Theater located at 1160 Broadway Plaza (Council District 3) and the Alfred and Minnie Cherin Home located at 233 E. Cornell Avenue (Council District 1) to the Local Register of Historic Resources
Feb.	10 -	10:00 A.M.	HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Feb.	10 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-09, Rezone Application No. R-10-07, filed by Dirk Poeschel Land Development Services
Mar.	3 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 (<i>Property located in District 5</i>)
Mar.	3 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services
Mar.	10 -	MEETING	
Mar.	17 -	MEETING	
Mar.	31 -	10:00 A.M.	HEARING ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley (<i>Property located in District 3</i>)